

JEREMY LYNN VATER,  
  
Petitioner,  
  
vs.  
  
ATTORNEY GENERAL OF THE  
STATE OF NEBRASKA,  
  
Respondent.

**No. CIV-15-874-W**

## ORDER

On November 17, 2015, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the Petition for Writ of Habeas Corpus ("Petition") as filed and amended by petitioner Jeremy Lynn Vater be dismissed. Although Vater was advised of his right to object, see Doc. 15 at 3, and of the consequences of his failure to do so, no objections have been filed within the allotted time.

In his Petition file-stamped August 12, 2015, Vater stated he had been convicted in state court in Nebraska, see Doc. 1 at 1, and the record reflected he was then incarcerated in Altus, Oklahoma. See Doc. 1-2. In a letter dated August 19, 2015, Vater advised that he was currently in Jackson County Jail in the custody of the Oklahoma Department of Corrections, see Doc. 6-2, having been sentenced to a term of five (5) years. See id. (citing State v. Vater, No. CF-2015-97). By notice filed on September 22, 2015, the Court was informed that Vater had been transferred to Lexington Assessment and Reception Center in Lexington, Oklahoma. See Doc. 10.

Assuming without deciding that Magistrate Judge Erwin's analysis regarding jurisdiction and transfer is correct, the Court finds in the absence of any objection that

dismissal of Vater's Petition is warranted and that Vater has waived his right to further review of Magistrate Judge Erwin's findings and recommendation.

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 15] issued on November 17, 2015, to the extent that it suggests dismissal of the Petition; and

(2) DISMISSES without prejudice Vater's Petition [Doc. 6], as amended and file-stamped August 21, 2015.

ENTERED this 23<sup>rd</sup> day of December, 2015.



LEE R. WEST  
UNITED STATES DISTRICT JUDGE